

# **THE USE AND LICENSING OF TRASH DUMPSTERS**

Whereas the Board of Health is empowered to make reasonable rules and regulations as specified in Chapter 111, Section 31B;

Whereas the local Board of Health adopted regulations effective May 1, 1987 for the Regulation and Licensing of Dumpsters;

Whereas a recent dumpster fire, the recent closing of the municipal landfill and other incidents have shown the need for amendments to those regulations; therefore

The Gloucester Board of Health finds that it is necessary to adopt the following reasonable regulations:

## **1. DEFINITIONS**

A. Dumpster shall mean any container, receptacle, compactor unit, trailer, roll-off, or other similar unit with or without wheels that is used for the temporary storage, containment, or transport of refuse, garbage, demolition debris, or other discarded materials. It shall not apply to the ordinary household trash can of a volume less than 50 gallons, to plastic bags storing these materials in compliance with the regulations of the City of Gloucester, or to trash compactor trucks operated by a company duly licensed by the local Board of Health.

B. User shall mean any individual, partnership, corporation, association, or other legal entity that contracts or requests for the installation, maintenance, or servicing of a dumpster.

C. Company shall mean any individual, partnership, corporation, association or other legal entity that contracts with or responds to requests from users by providing for the installation, maintenance, or servicing of a dumpster.

D. Person shall mean any individual, partnership, corporation, association or other legal entity.

## **2. LICENSING OF DUMPSTER COMPANIES**

A. No company may install, maintain or empty a dumpster within the City of Gloucester until it has been granted a license by the Board of Health.

B. An application and fee as set by the Board of Health shall be filed and approved by the Board of Health prior to the granting of the license.

C. The company license shall be valid for one year unless revoked or suspended and is renewable annually.

D. The company servicing dumpsters shall provide the Board of Health with a list of all their dumpster service locations within the city limits at the time of applica-

tion. This list shall be amended annually by the company for dumpsters either added or removed from service within the city limits.

### **3. REGISTRATION OF DUMPSTER SERVICE LOCATIONS**

A. Each dumpster service location shall be registered with the local Board of Health.

B. No user shall have a dumpster on the premises for longer than seven (7) days unless a registration for that specific dumpster has been issued by the Board of Health.

C. No company shall install or maintain a dumpster at a service location for longer than seven (7) days until an application for service location registration and fee as set by the Board of Health has been filed by the user and approved by the Board of Health.

D. The service location registration shall be valid for one year unless revoked or suspended and is due for renewal annually.

### **4. DUMPSTER USE FOR ALL DUMPSTERS USED WITHIN THE CITY LIMITS**

A. All dumpsters shall display a clearly visible decal or stencil showing the company that owns and maintains it.

B. All dumpsters shall be kept closed, clean, painted, water tight, and in good condition.

C. All dumpsters shall have sufficient pick-ups so as to prevent overflowing or nuisance conditions such as odors or animal problems.

D. The user shall maintain the area surrounding a dumpster in a clean and litter-free condition.

E. All dumpsters shall be of such design and placement so as to prevent "tip-overs".

F. No dumpster, temporary or long-term, shall be placed closer than fifteen (15) feet to a building unless approved by the Fire Chief or his designee.

G. No dumpster shall be placed in such a way so as to block a public way or sidewalk unless granted approval by the Director of Public Works or his designee.

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H. The local Board of Health or the Fire Department may order a lock for the dumpster or a locking enclosure in order to gain compliance with this regulation.

## **5. PERMIT SUSPENSION OR REVOCATION**

A. The Board of Health may revoke or suspend the license of the company or the registration of a service location for failure to comply with the above regulations after providing opportunity for a hearing.

B. The Board of Health or Fire Department, at any time, may order the removal or the cessation of use of a dumpster if an imminent health or safety hazard is found to exist.

## **6. PENALTIES**

A. Any person who violates any provision of these regulations shall, upon conviction, be fined not more than fifty (\$50) dollars for each violation.

B. Any person who fails to comply with an order issued pursuant to the provisions of these regulations shall, upon conviction, be fined no more than fifty (\$50) dollars for each violation. Each days failure to comply with an order shall constitute a separate offense.

## **7. SEVERABILITY**

Each portion of this regulation shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, then the remainder of the regulation shall continue in full force.

This regulation was unanimously adopted by a vote of the Gloucester Board of Health after a public hearing on July 25, 1988 and is effective after publishing once in a newspaper published in the city.

**ADOPTED: 7/25/88**